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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 PERRY LEE SISCO,

10 Plaintiff,

No. CIV S-05-0867 GEB JFM P

11 vs.

12 STATE OF CALIFORNIA, et al.,

13 Defendants.

FINDINGS AND RECOMMENDATIONS

14 _____/
15 Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant
16 to 42 U.S.C. § 1983.

17 On November 28, 2005, the court ordered the United States Marshal to serve
18 process on defendants. Process directed to defendants Beruth, Schmidt, Spears and Falconer was
19 returned unexecuted. Plaintiff subsequently failed to provide additional information for service
20 of process on these defendants and on March 8, 2006, the court recommended these defendants
21 be dismissed. By order filed February 5, 2007, the findings and recommendations were vacated
22 and plaintiff was granted an additional sixty days in which to provide the court with information
23 necessary to accomplish service of process on these defendants. Plaintiff was cautioned that if
24 he was unable to provide the information necessary to serve these four defendants by the
25 deadline, the court would recommend that these defendants be dismissed from this case. The
26 sixty day period has now passed and plaintiff has filed to provide the information.

1 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against
2 defendants Beruth, Schmidt, Spears and Falconer be dismissed without prejudice. See Fed. R.
3 Civ. P. 4(m).

4 These findings and recommendations will be submitted to the United States
5 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
6 twenty days after being served with these findings and recommendations, any party may file
7 written objections with the court. The document should be captioned "Objections to Findings
8 and Recommendations." The parties are advised that failure to file objections within the
9 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
10 F.2d 1153 (9th Cir. 1991).

11 DATED: April 18, 2007.

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14 UNITED STATES MAGISTRATE JUDGE

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